

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.3547 of 2015 (O&M)

Date of decision : 16.11.2015

Harvinder Singh

...Appellant

Versus

Gram Panchayat Village Ramba

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Vikram Singh Dhakla, Advocate for the appellant.

AMIT RAWAL, J. (Oral)

The appellant-plaintiff is in Regular Second Appeal against the concurrent findings of fact, whereby suit for permanent injunction on the basis of long settled possession, has been dismissed.

Mr. Vikram Singh Dhakla, learned counsel appearing on behalf of appellant-plaintiff submits, that Gram Panchayat vide resolution dated 24.04.2010 had sought the direction of Government for selling the land to the plaintiff, in essence, the possession of the plaintiff was admitted, as per Rule 12.4 of the Punjab Village Common Land (Regulation) Rules 1964 as applicable to the State of Haryana. He further submits that during the pendency of the suit, an eviction order in petition filed by the Gram Panchayat was also passed on 28.05.2013 (Ex.D6) despite the fact no appeal

has been filed and still in view of the aforementioned rule, plaintiffs are entitled to allotment in case ingredients of Rules *ibid*, are fulfilled.

I have heard learned counsel for the appellant-plaintiff and appraised the paper book.

Both the Courts below have concurrently held that appellant-plaintiff was not entitled to the discretionary relief of permanent injunction as eviction order was passed on 28.05.2013 as no appeal had been filed against said order. Be that as it may, but the fact remains that once Rule aforementioned entitles a person who had constructed their house on or before 31.03.2000 not resulting in any obstruction to the traffic and passer-by along with open space upto 25% of the constructed area, can purchase or be sold at the fair or market rate whichever is higher in case the plaintiff's case is covered by the aforementioned provision and submission, that State Government shall consider the application after taking into consideration the possession of the construction of the house, uninfluenced with the finding rendered by the both the Courts below, in case, such application is filed, has some force. It is, thus, observed that in case, case of plaintiff is covered under Rules, aforementioned the State Government shall be at liberty to consider the case, of allotment or sale provided that plaintiff fulfills all conditions.

With the aforementioned observations, I do not intend to differ with the findings rendered by both the Courts below.

Appeal is accordingly dismissed.

16.11.2015

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**(AMIT RAWAL)
JUDGE**